IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 21695 of 2006(G)

PETITIONER:

P.V.MUHAMMED KABEER,
S/O.MUHAMMED KASIM, AGED 33 YEARS,
ADUKKATHUMKANDIYIL HOUSE, KODUVALLY,
KIZHAKKOTH P.O., CALICUT.

BY ADV. SRI.B.N.SHIVSANKAR

RESPONDENTS:

1. STATE OF KERALA REP.BY
ITS CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

2. SECRETARY, MINISTRY WELFARE
(SOCIAL WELFARE DEPARTMENT), THIRUVANANTHAPURAM.

3. THE PRINCIPAL AND CONTROLLING OFFICER,
GOVT.HOMEOPATHIC MEDICAL COLLEGE,
THIRUVANANTHAPURAM.

4. COMMISSIONER FOR PERSONS WITH
DISABILITIES, GOVERNMENT OF KERALA,
SECRETARIAT ANNEX, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 21695/2006 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CERTIFICATE DT. 23/1/01.

EXT.P2. COPY OF THE ORDER DT. 18/12/2003.

EXT.P3. COPY OF THE WPC NO. 518/2005 OF THIS COURT DT. 5/1/2006.

EXT.P4. COPY OF THE GO P NO. 119/05/SWD DT. 6/08/2005.

True copy

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K. M. JOSEPH, J.

W.P.C. NO. 21695 OF 2006 G

Dated this the 2nd March, 2007

JUDGMENT

The prayer in the Writ Petition is for a direction to first respondent to formulate the method of appointment within a stipulated time frame. Case of the petitioner, in brief, is as follows:

He is a physically handicapped person. He is the only person with disability, eligible to be appointed to the post of Tutor on a permanent basis. It is stated that the first respondent has already identified twenty posts with three per cent reservation under the Persons with Disabilities Act for the posts in Class I and Class II Categories and it includes the post of Tutor also. It is also stated that the only impediment that stands against the petitioner is that the method of appointment has to be formulated and prescribed by first respondent. Petitioner refers to the undertaking given in the earlier Writ Petition that steps are being taken for the same. Eleven months have gone by and still

no steps have been taken, it is stated.

2. Today, when the matter came up, learned Government Pleader on instructions submits that Implementation Committee has already been constituted to identify the posts, on 22.5.2006. Having regard to all facts, I feel that a time limit should be fixed for taking a decision by first respondent in regard to formulation of the method of appointment. Accordingly, the Writ Petition is disposed of directing the first respondent to take a decision in regard to the formulation of method of appointment, within a period of ten weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.